

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CHRISTOPHER MAYER,**

**Plaintiff,**

**V.**

**UNITEDHEALTH GROUP, INC., doing  
business as United Healthcare of the  
Midlands, Inc. and/or doing business  
as  
United Healthcare Insurance  
Company**

**Defendant.**

**CASE NO. 8:06CV487**

**ORDER OF DISMISSAL  
WITHOUT PREJUDICE  
BY STIPULATION**

This matter is before the Court on the parties' Joint Motion to Dismiss Without Prejudice. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court finds that the parties have stipulated that this case may be dismissed without prejudice on the condition that if Plaintiff refiles a lawsuit arising from the acts and occurrence complained of in the present matter, then he shall either re-file in this Court or, if he re-files his case in a state court, then he shall pay Defendant's costs and fees incurred in removing the re-filed case to this Court, and that the parties seek an order from the Court accordingly.

**IT IS ORDERED:**

1. The Joint Motion to Dismiss Without Prejudice (Filing No. 8) is granted;
2. The Complaint and all claims in this action are dismissed without prejudice, and the parties shall pay their own costs and attorney fees, subject to the following condition:

If Plaintiff re-files a lawsuit arising from the acts and occurrence complained of in this case, then he shall either re-file in this Court or, if he re-files his case in state court, then

he shall pay Defendant's costs and fees incurred in removing the re-filed case to this Court. It is further ordered by this Court that if the parties are unable to agree on the amount of costs and attorneys' fees that may become due, Defendants may file with this Court a claim for such costs and fees along with evidence of the amount of costs and attorney fees they claim. Within 10 days of any such filing, Plaintiff may file a response and any controverting evidence.

DATED this 30<sup>th</sup> day of October, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge